

ORDER NO. 6141

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Michael Kubayanda, Chairman;
Ann C. Fisher, Vice Chairman;
Mark Acton;
Ashley E. Poling; and
Robert G. Taub

Amendment to Rules of
Practice and Procedure

Docket No. RM2022-4

NOTICE OF PROPOSED RULEMAKING TO AMEND RULES REGARDING
NOTICES, MOTIONS, AND INFORMATION REQUESTS

(Issued April 5, 2022)

I. INTRODUCTION

Pursuant to 39 U.S.C. 503, the Commission establishes this rulemaking docket to propose amendments to the Commission's rules of practice and procedure regarding notices, motions, and information requests. The proposed amendments provide rules relating to motions for reconsideration of final Commission orders.¹ The proposed rules appear after the signature of this Order.

¹ Motions for review of other Commission determinations may be filed in accordance with 39 CFR 3010.160.

II. PROPOSED AMENDMENTS

The proposed amendments revise the Commission's rules on notices, motions, and information requests, within its rules of practice and procedure, to provide rules specific to motions for reconsideration. The proposed amendments reflect the Commission's current practice of hearing timely motions for reconsideration of its final orders.

Under the proposed rules, any party may file a motion for reconsideration of a Commission final order within 15 days of the issuance of the order subject to the motion. All motions for reconsideration must briefly and specifically allege material errors of fact or law, and the relief sought, and must be confined to new questions raised by the determination or action ordered and upon which the moving party had no prior opportunity to submit arguments. Finally, no motion for reconsideration shall stay the effect of an order of the Commission unless the Commission orders otherwise.

III. SECTION-BY-SECTION ANALYSIS

Proposed § 3010.165(a). Proposed § 3010.165(a) is added to explain eligibility among parties for filing motions for reconsideration.

Proposed § 3010.165(b). Proposed § 3010.165(b) is added to clarify the timing and content requirements for motions for reconsideration.

Proposed § 3010.165(c). Proposed § 3010.165(c) is added to explain that motions for reconsideration do not, on their own, stay the effect of the underlying order.

IV. ADMINISTRATIVE ACTIONS

The Regulatory Flexibility Act requires federal agencies, in promulgating rules, to consider the impact of those rules on small entities. See 5 U.S.C. 601, *et seq.* (1980). If the proposed or final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities, the head of the agency may certify that the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply. See 5 U.S.C. 605(b).

In the context of this rulemaking, the Commission's primary responsibility is in the regulatory oversight of the United States Postal Service. The rules that are the subject of this rulemaking have a regulatory impact on the Postal Service, but do not impose any regulatory obligation upon any other entity. Based on these findings, the Chairman of the Commission certifies that the rules that are the subject of this rulemaking will not have a significant economic impact on a substantial number of small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Interested persons are invited to provide written comments concerning the proposed amendments to 39 CFR part 3010, subpart D regarding notices, motions, and information requests. Comments are due no later than 45 days after the date of publication of this notice in the *Federal Register*. All comments received will be available for review on the Commission's website, <https://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Katrina R. Martinez is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

V. ORDERING PARAGRAPHS

It is ordered:

1. Docket No. RM2022-4 is established for the purpose of receiving comments on the proposed amendments to 39 CFR part 3010, as discussed in this Order.
2. Interested persons may submit comments no later than 45 days from the date of publication of this notice in the *Federal Register*.
3. Pursuant to 39 U.S.C. 505, Katrina R. Martinez is appointed to serve as Public Representative in this proceeding.
4. The Secretary shall arrange for publication of the proposed rules and general statement as to the basis and purpose of the proposed rules in the *Federal Register*.

By the Commission.

Erica A. Barker
Secretary

List of Subjects in 39 CFR Part 3010

Administrative practice and procedure, Confidential business information,
Freedom of information, Sunshine Act.

For the reasons stated in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3010—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 3010 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

2. Add § 3010.165 as follows:

§ 3010.165 Motions for reconsideration.

(a) Any person may file a motion requesting reconsideration of a final order by the Commission.

(b) The motion shall be filed within 15 days of the issuance of the final order that is the subject of the motion and must:

(1) Briefly and specifically allege material errors of fact or law and the relief sought; and

(2) Be confined to new questions raised by the determination or action ordered and upon which the moving party had no prior opportunity to submit arguments.

(c) Unless the Commission orders otherwise, the filing of a motion for reconsideration shall not stay the effect of an order of the Commission.